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 EFILED IN OFFICE  
 CLERK OF STATE COURT  
 COBB COUNTY, GEORGIA  
**22-A-1338**

APR 21, 2022 09:47 AM

*Robin C. Bishop*  
 Robin C. Bishop, Clerk of State Court  
 Cobb County, Georgia

**IN THE STATE COURT OF COBB COUNTY  
 STATE OF GEORGIA**

THEORDORA AMMAMOO,

Plaintiff,

v.

WAL-MART STORES EAST, LP and  
 ELPF HOWELL MILL LLC

Defendants.

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CIVIL ACTION

FILE NO. \_\_\_\_\_

**COMPLAINT FOR DAMAGES**

Comes now Theordora Ammamoo ("Plaintiff"), who files this Complaint against Defendants Wal-Mart Stores East, LP, ("Walmart") and ELPF Howell Mill, LLC ("ELPF"), and shows the Court as follows:

1.

Plaintiff is an individual residing in Fulton County, Georgia.

2.

Made Defendants herein are:

Wal-Mart Stores East, LP ("Walmart") is a foreign corporation doing business in Georgia. Walmart may be served with process by way of its registered agent, The Corporation Company, at 106 Colony Park Drive, Ste. 800-B, Cumming, Fosyth County, Georgia 30040. Upon proper service of process, Walmart is subject to the jurisdiction of this Court; and

ELPF Howell Mill, LLC ("ELPF") is a foreign limited liability company doing business in Georgia. ELPF may be served with process by way of its registered agent, United Agent Group, Inc. at 2985 Gordy Parkway, 1<sup>st</sup> Floor, Marietta, Georgia 30066.

3.

Venue and subject matter jurisdiction are proper as to Defendants and this case in Cobb County State Court, State of Georgia.

4.

On or about April 22, 2020, Plaintiff traveled to the Walmart store located at Store #3775, 1801 Howell Mill Road, NW, Atlanta, Georgia 30318 for the purpose of shopping.

5.

On the above date, Plaintiff utilized one of the Walmart provided and maintained scooters to assist her with her shopping.

6.

Upon completion of her shopping, she drove the scooter out of the store and across the parking area toward her vehicle.

7.

As she drove across the parking area and drive, suddenly and without warning the scooter lurched forward uncontrollably.

8.

At the same time as the scooter malfunctioned, it drove into a hole in the parking lot causing the scooter to turn over, throwing Plaintiff to the ground.

9.

Plaintiff fell to the ground and sustained numerous injuries to her body.

10.

At all times relevant hereto, Plaintiff exercised due care for her own safety, and obeyed all statutes, rules, regulations, and/or the like related to pedestrians maneuvering from the front of the store.

11.

Walmart as owner and maintainer of the scooter, owed Plaintiff a duty of reasonable care in not creating a hazardous condition and to keep its premises free from hidden danger and, Walmart breached said duty of care.

12.

Walmart also breached said duty by failing to warn of the dangerous conditions created by its employees negligence in maintaining the scooter in proper working order.

13.

Plaintiff suffered immediate and severe injuries to her knees, back, as well as other injuries, as a proximate result of Walmart's negligence as outlined above.

14.

Since being injured, Plaintiff has incurred reasonable medical expenses related to her injuries. Plaintiff's treatment is ongoing, and her expenses will therefore continue to increase. So far, Plaintiff's expenses are in excess of \$90,000.00.

15.

In addition to her special damages, Plaintiff has also endured, and continues to endure, extreme pain and suffering as a result of her injuries.

16.

All of Plaintiff's damages listed herein, both special and general, were proximately caused by Walmart's negligence.

17.

Plaintiff is entitled to a monetary recovery from Walmart to compensate her for her special and general damages listed herein, and as may be updated through the course of discovery.

18.

Walmart either owns, operates, and/or exercises some degree of control over the scooter where this incident occurred, and did so at the time of this incident.

19.

Walmart owed Plaintiff a duty to exercise reasonable care to keep its scooters in proper working order and safe for Plaintiff's use at the time and place of the subject incident.

20.

Walmart's failure to properly maintain or repair scooters provided to its invitees for shopping purposes constitutes a breach of said duty of care.

21.

In addition to the above, on the date of the incident, ELPF Howell Mill, LLC (ELPF) was the owner of the property where the Walmart is located and was responsible for maintenance and repair of the parking lot.

22.

ELPF as owner and maintainer of the property, including the parking lot outside of the Walmart, owed Plaintiff a duty of reasonable care in not creating a hazardous condition and to keep its premises free from hidden danger and, ELPF breached said duty of care.

23.

ELPF breached said duty by failing to warn of the dangerous conditions created the hole in the parking lot and failing to maintain the parking lot after it knew or should have known of the hazardous condition.

24.

ELPF's breach of duty was a proximate cause of the injuries and damages to the Plaintiff.

25.

ELPF owed Plaintiff a duty to exercise reasonable care to keep its premises safe for Plaintiff at the time and place of the subject incident.

26.

ELPF's failure to properly maintain or repair its parking area provided to its invitees constitutes a breach of said duty of care.

**WHEREFORE**, Plaintiff prays as follows:

(a) That a Summons and Complaint issue and be served on Defendants as provided by law;

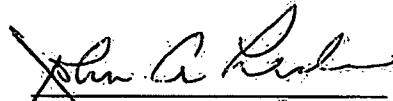
(b) That this case be tried by a jury;

(c) That Plaintiff recover from Defendants monetary damages, both special and general, in an amount to be determined by the enlightened conscience of an impartial jury at the trial of this case pursuant to the facts set forth in this Complaint, and as may be determined and/or become known through the course of discovery;

(d) That all expenses of litigation and costs of this action be borne by Defendants; and

(e) That Plaintiff have such further relief as this Court may deem appropriate under the circumstances.

This 21<sup>st</sup> day of April, 2022.

  
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